

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GIANFRANCESCO'S ACCOUNTING SERVICES, INC,
Plaintiff(s),
~ against ~
Plaintiff designates BRONX
County as the Place of Trial.
The basis of venue is
Plaintiffs Place of Business
Bronx, NY

SUMMONS
WITH NOTICE

HIGHBURY CONCRETE INC.

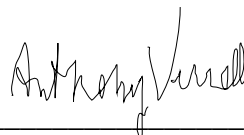
Index No.:
Date Purchased:

Defendant(s).

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To The Above Named Defendant(s):

YOU ARE HEREBY SUMMONED: to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorney within 20 days after the service of the Summons, exclusive of the day of service (or within 30 after service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Bronx, New York
October8, 2018.



ANTHONY L. VERRELLI
Attorney for PLAINTIFF
2565 BRONXWOOD AVENUE
Bronx, New York 10478
(718) 405-5657

Defendants' addresses:
Highbury Concrete Inc.
43-16 54th Road
Maspeth NY 11378

**YOU SHOULD IMMEDIATELY BRING THESE DOCUMENTS TO
YOUR ATTORNEY OR INSURANCE COMPANY.**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GIANFRANCESCO'S ACCOUNT SERVICES, INC.

Plaintiff(s),

Index #:

VERIFIED COMPLAINT

-against-

HIGHBURY CONCRETE INC.

Defendant(s).

-----X

Plaintiff, by their attorney, ANTHONY L. VERRELLI complaining of the
defendants, alleges:

1. That plaintiff, GIANFRANCESCO ACCOUNTING SERVICES, INC.
(GIANFRANCESCO) is, and at all times hereinafter mentioned a duly existing
corporation authorized to do business in the State of New York, County of Bronx.
2. Upon information and belief, and at all times material herein, the defendants are
corporations, limited liability companies or partnerships duly organized and existing
pursuant to the laws of the State of New York with their principal place of business
located at 46-13 54th Road, Maspeth NY 11378.
3. Upon information and belief, at all times material herein, Defendants are
authorized to do business within the State of New York.
4. The plaintiff is business which provides accounting services.

AS AND FOR A FIRST CAUSE OF ACTION

5. That heretofore, and on or about the 8th day of December, 2017, and times
thereafter the plaintiff and defendants, entered into written work agreements, hereinafter
referred to as the "Contract," a true copy of which is annexed hereto, marked Exhibit "A"

and hereby made a part hereof with the same force and effect as though the same were fully and at length set forth herein, wherein and whereby plaintiff agreed to provide accounting services to the Defendants for agreed upon remuneration..

6. That during the term of the contract, defendants failed to make payment on charges billed totaling \$56,924.99.

7. That plaintiff duly performed all of the terms and conditions of the contract.

8. That although duly demanded the Defendants have refused to pay the amounts due as required by the terms of the contract.

9. The Defendants are therefore in breach of the contract.

10. The Plaintiff has suffered damages of \$56,924.99, plus continuing interest as stated in the contract from May 2017, attorney's fees and other damages.

AS AND FOR A SECOND CAUSE OF ACTION

11. Plaintiff repeats and re-alleges the foregoing paragraphs as if more fully set forth at length herein.

12. That during the course of the term of the contract, Plaintiff did send invoices and statements of account to Defendants on a regular and timely basis. (Exhibit B)

13. That Defendants accepted and retained said invoices and statements without objection.

14. That the invoices and statements constituted an account stated to which Defendants did not object.

15. That the invoices and statements showed a balance due and owing from Defendants to Plaintiff in the amount of \$56,924.99.

16. By reason of the foregoing, Defendants are liable to Plaintiff for account stated in the amount of \$56,924.99 plus interest.

AS AND FOR A THIRD CAUSE OF ACTION

17. Plaintiff repeats and re-alleges the foregoing paragraphs as if more fully set forth at length herein.

18. That as a result of the failure of defendants to pay the outstanding charges for accounting services as required by the terms of the contract the defendants have been unjustly enriched.

19. That based upon the circumstances whereupon equity and good conscience require that Defendants pay Plaintiff \$56,924.99 plus interest and costs to make restitution.

AS AND FOR A FOURTH CAUSE OF ACTION

20. Plaintiff repeats and re-alleges the foregoing paragraphs as if more fully set forth at length herein.

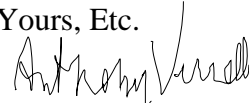
16. Plaintiff has provided accounting services to Defendant having an agreed upon, fair and reasonable value of \$56,924.99.

17. By reason of the foregoing, Defendant is liable to Plaintiff in *quantum meruit* for the agreed upon, fair and reasonable value of said services in the amount of \$56,924.99 as indicated by the attached invoices (Exhibit B) plus interest from May 2017.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of Forty Eight Thousand Nine Hundred Twenty Four and 99/100 (\$56,924.99) Dollars, together with interest thereon, and the costs and disbursements of this action.

Dated: October 8, 2018.

Yours, Etc.



Anthony L. Verrelli, Esq.

Attorney for Plaintiff
2565 Bronxwood Avenue
Bronx, NY 10469
718 -405-5657

CORPORATE VERIFICATION

STATE OF NEW YORK)
COUNTY OF BRONX) ss:

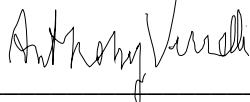
ANTONIO GIANFRANCESCO being duly sworn states that your deponent is a shareholder of the Plaintiff in the within action; that deponent has read the foregoing Verified Complaint and knows the contents thereof; that the same are true to deponents own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes them to be true.

Dated: October 8, 2018.



Antonio Gianfrancesco

Sworn to Before me this 8th day of October 2018.



Anthony L. Verrelli, Esq.
Notary Public State of New York
Qualified in Westchester County
No. 01VE5038016
Commission Expires March 17, 2019

31505/2018E - Bronx County Supreme Court

Short Caption: **GIANFRANCESCO'S ACCOUNTING SERVICES INC. - v. - Highbury Concrete, Inc.**
Case Type: **Commercial - Business Entity**
Case Status: **Disposed**
eFiling Status: [Full Participation Recorded](#)
Assigned Judge: **Norma Ruiz**

Full Caption

Gianfrancesco'S Accounting Services Inc. v. Highbury Concrete, Inc.

Plaintiffs/Petitioners

Name	Represented By
GIANFRANCESCO'S ACCOUNTING SERVICES INC.	VERRELLI, ANTHONY L. on 10/08/2018

Defendants/Respondents

Name	Represented By
HIGHBURY CONCRETE, INC.	GARDNER, BRIAN L. on 12/21/2018 Cole Schotz P.C.
	FINKELSTEIN, JASON ROBERT on 03/05/2019 COLE SCHOTZ